

## **APPENDIX 6**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

|                       |   |                              |
|-----------------------|---|------------------------------|
| ePLUS, INC.,          | ) |                              |
|                       | ) |                              |
|                       | ) | Civil Action No. 3:09-cv-620 |
| Plaintiff,            | ) |                              |
|                       | ) |                              |
| v.                    | ) |                              |
|                       | ) |                              |
| LAWSON SOFTWARE, INC. | ) |                              |
|                       | ) |                              |
|                       | ) |                              |
| Defendant.            | ) |                              |

**LAWSON SOFTWARE, INC.’S EXHIBITS AS TO WHICH ePLUS INC. OBJECTS AND  
THE GROUNDS FOR OBJECTION**

Pursuant to Section V(D)(6) of the Court’s Scheduling Order, Plaintiff ePlus, Inc. (“ePlus”), through counsel, hereby submits the following general and specific objections to Defendant Lawson Software, Inc. (“Lawson”)’s Trial Exhibit List:

**General Objections**

1. Documents excluded pursuant to the Court’s rulings on motions in limine.

Defendant’s Trial Exhibit List includes nearly 100 documents which the Court has already ordered be excluded from trial either explicitly or implicitly.

2. Documents not previously disclosed during discovery or pursuant to Court Order.

ePlus also objects generally to the introduction of any evidence which, though it may be relevant to Lawson’s defenses, was not previously disclosed during discovery, in its responses to ePlus’s interrogatories or disclosed in Defendant’s Court Ordered Second Supplemental Statement of Invalidity Defenses.

3. Relevance. ePlus objects generally to Lawson’s introduction of any evidence

having no tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable and to the introduction of evidence wherein the probative value of that evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

4. Exhibits not disclosed. ePlus reserves its right to present additional objections to exhibits not yet disclosed to ePlus by Lawson, including, but not limited to, Lawson Trial Exhibits DX 118, DX 119, DX 151, DX 152, DX 162, DX 368, DX 369 and DX 370.

5. Duplicative Exhibits. ePlus objects generally to Lawson's practice of including the same exhibit multiple times on its Trial Exhibit List.

6. Exhibits not properly described. ePlus objects generally to all Lawson exhibits not properly described including exhibits described as "excel spreadsheet" or impermissibly grouped exhibits.

**KEY TO OBJECTIONS**

| <b>Reference</b> | <b>Basis for Objection</b>   |
|------------------|--|
| 106              | Fairness requires admission of remainder of the document   |
| 401/402          | The evidence in the exhibit is not relevant and is not admissible  |
| 403              | Any relevance of the exhibit is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury, or considerations of unfair delay, waste or confusion of the issues, misleading the jury, or considerations of unfair delay, waste of time, or needless presentation of cumulative evidence. |
| 801/802/805      | The exhibit contains or is hearsay and no exception applies and/or the exhibit contains or is hearsay within hearsay and no exception applies.   |
| 901              | The exhibit lacks authentication.  |
| 1002             | Original required (Best Evidence)  |
| 1003             | Poor duplicate – unfair to admit as duplicate (Best Evidence)  |
| 1006             | The evidence in the exhibit includes improper summary of evidence.   |
| Duplicate        | The exhibit is duplicative of another exhibit(s)   |
| FRCp 26          | Not timely disclosed   |
| IL               | The exhibit is not legible   |
| MD               | Exhibit is inadmissible because it contains more than one document or is an improper collection of documents   |
| MIL              | Subject of motion <i>in limine</i>   |
| NT/T             | The exhibit contains text in a foreign language that is not translated to English, or the translation is inaccurate  |
| NR               | Exhibit not received—all objections are reserved   |

### Specific Objections

[illegible]

| Def. No. | Plt. No. | Description of Exhibit  | Bates Number         | 106                 | 401/402 | 403 | 801/802/805 | 901 | 1002 | 1003 | 1006 | DUP | FRCP 26 | IL | MD | MIL | NT/T | NR | INACC |
|----------|----------|---|----------------------|---------------------|---------|-----|-------------|-----|------|------|------|-----|---------|----|----|-----|------|----|-------|
| DX-142   |          | Buyers' Guide to Software for Purchasing dated 11/23/89 (McEneny Depo. Exh. 118)                            | ePLUS0219905-0219910 |                     | X       | X   |             |     |      |      |      |     |         |    |    |     |      |    |       |
| DX-291   |          | ePlus Acquisition of Structured Computer Services and SourceSys Inc. Valuation Methodologies and Valuations | ePlus0139230-51      |                     | X       | X   | X           |     |      |      |      |     |         |    |    |     |      |    |       |
| DX-370   |          | Reserved for Exhibits related to new source code expert   |                      | OBJECTIONS RESERVED |         |     |             |     |      |      |      |     |         |    |    |     |      |    |       |
| DX-371   |          | Oxford English Dictionary definition of "Published"   | N/A                  |                     | X       |     | X           |     |      |      |      |     |         |    |    |     |      |    |       |

**Specific Objections –Exhibits Excluded by Court Order**

| Def. No. | Plt. No. | Description of Exhibit  | Bates Number      | 106 | 401/402 | 403 | 801/802/805 | 901 | 1002 | 1003 | 1006 | DUP | FRCP 26 | IL | MD | MIL | NT/T | NR | INACC |
|----------|----------|---|-------------------|-----|---------|-----|-------------|-----|------|------|------|-----|---------|----|----|-----|------|----|-------|
| DX-31    |          | Lawson Insight II for IBM AS/400 Auto Installation Guide for Version 7.2.2.2  | L0345798-0345979  |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-32    |          | Lawson Insight Inventory Control Release 7.0.7 Technical Text   | L0359390-0359607  |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-33    |          | Lawson Insight Inventory Control Release 7.0.7 User Text  | L0359608-0360482  |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-34    |          | Lawson Insight Inventory Control Release 7.0.7 Data File Text   | L0358883-00359389 | X   | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-35    |          | Lawson Software Release 6.0   | L0004381-00004386 |     |         |     |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-38    |          | Purchase Order Conversion Workbook Release 6.1 dated November 1995  | L0014150-0014247  |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-41    |          | Lawson Purchase Order Release 6.0 Enhancement Design dated October 30, 1992   | L0024261-0024357  |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-43    |          | Lawson Purchase Order Release 6.0 User Text   | L0015615-0016422  |     | X       | X   |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-44    |          | 05/23/93 Letter to Lawson from Maurice Blauch from Aircraft Service Int's   | L0021190          |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-64    |          | UNIVERSE for UNIX Getting Started Release 2.1 dated February 1994   | L0013572-0013711  |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-73    |          | Lawson Software Purchase Order Procedures Manual Release 6.0 dated 01/94<br>(Christopherson Depo. Exh. 39) <sup>1</sup> | L0013146-013295   |     | X       |     |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-74    |          | Lawson Software Requisitions Procedures Manual Release 6.0 dated 01/94<br>(Christopherson Depo. Exh. 40) <sup>2</sup>   | L0009725-0009773  |     | X       |     |             |     |      |      |      |     | X       |    |    | X   |      |    |       |

<sup>1</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>2</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

| Def. No. | Plt. No. | Description of Exhibit   | Bates Number     | 106 | 401/402 | 403 | 801/802/805 | 901 | 1002 | 1003 | 1006 | DUP | FRCP 26 | IL | MD | MIL | NT/T | NR | INACC |
|----------|----------|--|------------------|-----|---------|-----|-------------|-----|------|------|------|-----|---------|----|----|-----|------|----|-------|
| DX-75    |          | Lawson Software Inventory Control Procedures Manual Release 6.0 dated 01/01/94 (Christopherson Depo. Exh. 41) <sup>3</sup> | L0012837-0013145 |     | X       | X   |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-86    |          | Printout of notes titled "Systems are running on two platforms: HP-UX PA-RISC and IBM I" (Hvass Depo. Exh. 2) <sup>4</sup> |                  |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-87    |          | wip60_mod.txt (Hvass Depo. Exh. 6) <sup>5</sup>  |                  |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-88    |          | Support Mod.txt (Hvass Depo. Exh. 7) <sup>6</sup>  |                  |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-89    |          | Cyclical_mod.txt (Hvass Depo. Exh. 8) <sup>7</sup>   |                  |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-90    |          | Screen shots by Jeff Hvass (Hvass Depo. Exh. 5) <sup>8</sup>   |                  |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-91    |          | Jeff Hvass demonstration of 5.0 Support <sup>9</sup>   |                  |     | X       | X   |             | X   | X    |      |      |     |         |    |    | X   |      |    |       |
| DX-92    |          | Jeff Hvass demonstration of 5.0 Cobdeliv <sup>10</sup>   |                  |     | X       | X   |             | X   | X    |      |      |     |         |    |    | X   |      |    |       |
| DX-93    |          | Jeff Hvass demonstration of 6.0 <sup>11</sup>  |                  |     | X       | X   |             | X   | X    |      |      |     |         |    |    | X   |      |    |       |
| DX-94    |          | Jeff Hvass demonstration of 6.1 <sup>12</sup>  |                  |     | X       | X   |             | X   | X    |      |      |     |         |    |    | X   |      |    |       |

<sup>3</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>4</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>5</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>6</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>7</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>8</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>9</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>10</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>11</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>12</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

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|----------|----------|---|---------------------|-----|---------|-----|-------------|-----|------|------|------|-----|---------|----|----|-----|------|----|-------|
| DX-95    |          | CD of Demonstration taken during Deposition of Jeff Hvass                           | ePLUS0949076        |     | X       | X   |             | X   | X    |      |      |     |         |    |    | X   |      |    |       |
| DX-104   |          | Technical Viewer/2  | G0000362-0000375    | X   | X       |     |             |     |      |      |      |     |         |    | X  |     |      |    |       |
| DX-171   |          | UNIVERSE Release Notes 2.1 dated July 1994  | L0014416-0014532    |     | X       |     | X           |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-172   |          | UNVERSE for UNIX Developer's Workbench Release 2.1 dated January 1994               | L0017726-0017890    |     | X       |     | X           |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-173   |          | UNIVERSE CASE and 4GL Release 2.1 dated April 1994                                  | L0017891-0018119    |     | X       |     |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-175   |          | UNIVERSE for UNIX Database administration Release 2.1 dated March 1994              | L0025716-0025938    |     | X       |     |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-181   |          | Lesson Four Process Bids  | LE02060596-02060609 | X   | X       |     |             |     |      |      |      |     |         |    |    |     |      |    |       |
| DX-186   |          | Purchase Order Procedures Manual Version 7.2.0 dated February 1999                  | LE01078665-01078888 |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-190   |          | Chapter 20 Application Changes from Release 6.0 (Shamos Depo. Exh. 3) <sup>13</sup> | L0373955-0374057    | X   | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-191   |          | Requisitions Procedures Manual Version 7.2.1 dated April 1999                       | LE01101046-01101231 |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-192   |          | Purchase Order Procedures Manual Version 7.2.1 dated April 1999                     | LE01100551-01100774 |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-193   |          | Procurement Management Technical Guide Version 7.2.1 dated April 1999               | LE00354500-00354727 |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-195   |          | Requisitions Procedures Manual Version 7.2.0 dated February 1999                    | LE01078889-01079072 |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-237   |          | File History of Reexamination No. 90/008,104 <sup>14</sup> (Certified Copy)         |                     |     | X       | X   |             |     |      |      |      |     |         |    |    | X   |      |    |       |

<sup>13</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>14</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

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|----------|----------|---|----------------------|-----|---------|-----|-------------|-----|------|------|------|-----|---------|----|----|-----|------|----|-------|
| DX-238   |          | Decision on Request for Reexamination 90/008,104 dated 10/28/06 <sup>15</sup> (Certified Copy)                              |                      |     | X       | X   |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-239   |          | File History of Reexamination No. 90/009,636 (U.S. Patent No. 6,055,516) <sup>16</sup> (Certified Copy)                     |                      |     | X       | X   |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-240   |          | Order Granting/Denying Request for Ex Parte Reexamination for Reexamination No. 90/009,636 dated 01/15/10 <sup>17</sup>     |                      |     | X       | X   |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-241   |          | File History of Reexamination No. 95/000,487 (U.S. Patent No. 6,505,172) (Certified Copy) <sup>18</sup>                     |                      |     | X       | X   |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-242   |          | Order Granting/Denying Request for Inter Partes Reexamination for Reexamination No. 95/000,487 dated 10/23/09 <sup>19</sup> |                      |     | X       | X   |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-243   |          | File History of Reexamination No. 90/011,066 <sup>20</sup> (Certified Copy)   |                      |     | X       | X   |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-246   |          | U.S. Patent No. 4,984,155: Geier (Certified Copy)   | ePlus0137907-0137924 |     | X       |     |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-247   |          | 5.0 Source Code <sup>21</sup>   | L0172985             |     | X       | X   |             | X   | X    |      |      |     |         |    |    | X   |      |    |       |

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<sup>16</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>17</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>18</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>19</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

<sup>20</sup> Lawson offers this exhibit pursuant to the Court's rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

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|----------|----------|---|------------------|-----|---------|-----|-------------|-----|------|------|------|-----|---------|----|----|-----|------|----|-------|
| DX-249   |          | 6.1 Source Code from Ciber <sup>22</sup>  | L0417613         |     | X       | X   |             | X   | X    |      |      |     |         |    |    | X   |      |    |       |
| DX-250   |          | 7.2.4 Source Code   | L0135743         |     | X       |     |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-276   |          | Lawson Software Acquisition History   | L0344871-0344872 |     | X       |     | X           |     | X    |      |      |     |         |    |    | X   |      |    |       |
| DX-277   |          | 01/28/04 Letter to Lawson enclosing Value Added Reseller Agreement between Micro Focus and Lawson   | L0344941-0344952 |     | X       |     | X           |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-307   |          | IBM OEM Software Agreement  | L0344898-0344903 |     | X       |     |             |     |      |      |      |     |         |    |    |     |      |    |       |
| DX-308   |          | Value Added Industry Remarketer Agreement Exhibit 10.24 dated 08/13/01 (Green Depo. Exh. 4)   | L0145818-0145865 |     | X       |     |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-309   |          | Lawson Associates Inc. Application Partner Agreement with Arbor Software Corporation dated 08/13/01 (Green Depo. Exh. 5)                            | L0145866-0145917 |     | X       |     |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-310   |          | IBM WebSphere License (Lawson Exh. 126)   | L0344875-0344897 |     | X       |     |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-311   |          | Micro Focus License (Lawson Exh. 127)   | L0344977-0344998 |     | X       |     |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-327   |          | 6.1 Product Launch Feature / Benefit Document   | L0026861-881     |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-331   |          | Baxter Healthcare Corporation: ASAP Express   | L0340559-0340571 |     | X       | X   |             |     |      |      |      |     |         |    |    | X   |      |    |       |
| DX-333   |          | Summary of 5.0 and 6.0 Differences – IC, PO and RQ <sup>23</sup>  | L0017230-0017236 |     | X       | X   |             |     |      |      |      |     | X       |    |    | X   |      |    |       |
| DX-334   |          | “Beyond Business Process Redesigning Redefining Baxter’s Business Network, MIT Sloan Management Review; Short et al., dated Fall 1992 <sup>24</sup> | L0343527-0343543 |     | X       | X   |             |     |      |      |      |     |         |    |    | X   |      |    |       |

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<sup>23</sup> Lawson offers this exhibit pursuant to the Court’s rulings on the motions in limine and pursuant to Federal Rule of Evidence 103.

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|----------|----------|---|--------------|-----|-------------|-----|---------------------|-----|------|------|------|-----|------------|----|----|-----|------|----|-------|
| DX-350   |          | Lawson Software Expectations for Procurement Software for Fiscal Years Ended May 31<br>(Green Expert Report Exh. G) |              |     | X           | X   | X                   |     |      |      | X    |     |            |    |    | X   |      |    |       |